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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Bangladesh

1. The Committee considered the initial report (CRC/C/3/Add.38) and Supplementary report CRC/C/3/Add.49) of Bangladesh at its 380th to 382nd meetings (CRC/C/SR.380-382), on 26 and 27 May 1997, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Bangladesh for the submission of its initial report and its written information in reply to the questions set forth in the list of issues (CRC/C/Q/Ban.1). The additional information provided by the delegation of Bangladesh and the constructive and fruitful dialogue with the Committee are welcomed.

B. Positive aspects

3. The Committee welcomes the establishment of a Ministry of Women and Children's Affairs in 1994. It also notes with appreciation the adoption of a National Policy for Children as well as the establishment of the National Children's Council in August 1995. In the area of legislative reform, it notes the adoption of a plan of action to create task forces on law reform, juvenile justice and the girl child. The adoption in 1995 of the Repression against Women and Children (Special Provision) Act and the active participation of Bangladesh in the SAARC (South Asian Association for Regional Cooperation) Decade of the Girl Child are also welcomed.

[redacted]

* At the 398th meeting, held on 6 June 1997.

[redacted]

4. The Committee notes with appreciation the openness of the State party to international cooperation to foster effective implementation of the Convention, as illustrated by the memorandum of understanding between the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO), the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and the Government of Bangladesh, as well as the cooperation with other international institutions in different areas.

5. The Committee also welcomes the constructive relationship between the NGO (non-governmental organization) community and the Government, both at national and local levels, in monitoring and implementing the rights of the child. In this connection, it notes that consultations took place between the Government and NGOs in the process of preparing the initial report.

6. The Committee welcomes the recent law establishing the post of Ombudsperson as well as the fact that a National Human Rights Commission is being set up.

7. The Committee also welcomes the fact that the amount of resources allocated to social expenditures has been increased since the ratification of the Convention by Bangladesh. It notes in particular that an increasing proportion of resources has been devoted to the development of a primary health-care network, the provision of safe water supplies and sanitation and to disease control.

8. The Committee acknowledges the progress made by the State party in significantly reducing the child mortality rate over the last decade and improving access to basic education. It also notes the positive steps taken in the area of family planning programmes.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee notes that Bangladesh is one of the poorest countries in the world; a large percentage of the vast population is young and lives below the poverty level.

10. The Committee also notes that natural disasters and structural adjustment have had a negative impact on the situation of children. It is further noted that the persistence of certain traditional practices and customs has had a negative influence on the enjoyment by some children of their rights under the Convention.

D. Principal subjects of concern

11. While acknowledging the openness of the State party towards the possibility of reviewing its reservations to articles 21 and 14.1 of the Convention, the Committee remains concerned that these reservations might impede the full implementation of the Convention.

12. The Committee is concerned about the unclear status of the Convention in the domestic legal framework and the insufficient steps taken to bring existing legislation into full conformity with the Convention, including in

light of the general principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12). It is deeply concerned at the lack of conformity between existing legislative pro.isions and the Convention with respect to the various age limits set by law, the lack of a definition of the child, the age of criminal responsibility, which is set at too young an age, the possibility of imposing the death penalty, and/or imprisonment of children 16-18 in ordinary prisons. The Committee also notes that, as recognized in the State party's supplementary report, many laws are inadequately enforced and that most children's lives are governed by family customs and religious law rather than by State law.

13. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention, and remains concerned at the lack of adequate and systematic training for professional groups working with and for children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child-care institutions for children and police officers.

14. While recognizing the efforts undertaken by the State party in the collection of data and information on the status of children, the Committee is concerned that insufficient attention has been given to establishing an effective integrated system of data collection covering all children. It expresses concern, in this regard, that the National Policy for Children only covers children up to the age of 14. It is also concerned that no comprehensive monitoring and coordinating mechanism for all areas covered by the Convention and in relation to all groups of children has yet been established.

15. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the persistence of discriminatory attitudes and harmful practices affecting girls, as illustrated by serious disparities, sometimes starting at birth and affecting the enjoyment of the rights to survival, health, nutrition and education. The Committee also notes the persistence of harmful practices such as dowry and early marriage. Discriminatory attitudes towards children born out of wedlock, children who are living and/or working on the street, child victims of sexual exploitation, children with disabilities, refugee children and children belonging to tribal minorities are also a matter of concern.

16. The Committee expresses concern regarding the implementation of article 12 of the Convention, noting that the views of the child are not sufficiently taken into account, especially within the family, the school and the juvenile justice system.

17. The Committee is concerned that the birth of most children in the State party are not registered. Failure to register can have negative consequences on the full enjoyment of fundamental rights and freedoms by children.

18. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse, including sexual abuse, both within and outside the family, and at the lack of awareness and information on this

matter. The persistence of corporal punishment and its acceptance by the society and instances of violence committed by law enforcement officials against abandoned or "vagrant" children are matters of serious concern.

19. The inadequate measures to assist parents in fulfilling their common child-rearing responsibilities and the lack of assistance or child support for many children living in single-parent families or other particularly vulnerable children are matters of concern. The Committee is also concerned at the inadequate provision in legislation and practice for alternative care for children deprived of a proper family environment.

20. The Committee is concerned at the high maternal mortality rates, lack of access to prenatal care and, more generally, limited access to public health-care facilities. The lack of a national policy to ensure the rights of children with disabilities is also noted. The Committee is also concerned at the absence of programmes addressing the mental health of children and their families.

21. Malnutrition continues to seriously hamper the survival and development of children in the State party, which has one of the highest rates of malnourished children in the world and where calorie intake has decreased over the past decades, resulting in a higher incidence of stunting and wasting.

22. While recognizing efforts to improve the situation of education, including the introduction of compulsory education for children aged 6 to 10, and measures to encourage girls to attend school, the Committee nonetheless remains concerned at the low level of school enrolment and the high drop-out rates, at the very high child/teacher ratios and the shortage of trained teachers.

23. With regard to the implementation of article 22 of the Convention, the Committee remains concerned at the weak legal protection and lack of adequate procedures for refugee children. It is also concerned by difficulties they encounter in securing access to educational and health facilities and at difficulties in ensuring family reunification.

24. The Committee is concerned about the large number of children who are working, including in rural areas, as domestic servants as well as in other areas of the informal sector. It is concerned that many such children work in hazardous and harmful conditions, and are often vulnerable to sexual abuse and exploitation. The Committee is also seriously concerned about the occurrence of trafficking and sale of children. Lack of enforcement and failure to implement existing legislation at all levels, from law enforcement agencies to the judiciary, need to be addressed.

25. The Committee is concerned that the State party has failed to take measures to promote the child's right to leisure, recreation and cultural activities (art. 31).

26. The situation in relation to the administration of juvenile justice, and its incompatibility with articles 37, 39 and 40 of the Convention and other relevant international standards, is a matter of concern to the Committee. Specifically, the Committee is concerned about the very young age of criminal

responsibility (7 years), the lack of adequate protection for children aged 16-18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children and the solitary confinement and ill-treatment of children by the police.

27. Finally, as regards the implementation of article 30 of the Convention, the Committee is concerned that inadequate measures have been taken to ensure the protection and promotion of the rights of children belonging to minorities, including children from the Hill Tracts.

E. Suggestions and recommendations

28. In light of the Vienna Declaration and Programme of Action, the Committee encourages the State party to further review its reservations to articles 14, paragraph 1, and 21 of the Convention with a view to their withdrawal. The Committee is of the opinion that, in light of the proposed reforms to national legislation, the reservations may not be necessary.

29. The Committee recommends that the State party pursue its efforts to ensure full compatibility of its national legislation with the Convention, taking due account of the general principles as contained in articles 2, 3, 6 and 12 and the concerns expressed by the Committee. Furthermore, the State party should develop a national policy on children and an integrated legal approach to child rights.

30. The Committee encourages the State party to pursue its efforts to promote human rights education in the country in general and create a wider awareness and understanding of the principles and provisions of the Convention. It recommends that a systematic information campaign on the Convention be launched for children and adults alike. The Convention should be incorporated in the curricula of all educational institutions, and present initiatives to reach those vulnerable groups who are illiterate or without formal education should be pursued and further strengthened, with the cooperation of the United Nations Children's Fund (UNICEF) and other organizations active in this field. The State party should also promote a comprehensive training programme policy for professional groups working with and for children.

31. The Committee recommends that the State party consider acceding to other international human rights instruments, including the two International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

32. The Committee further recommends that the State party undertake to gather all necessary information on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including the most vulnerable. The National Policy on Children should be adjusted in order to cover all children, including children 14-18 years of age.

33. The Committee also suggests that a multidisciplinary monitoring and coordinating system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the national and local levels, paying particular attention to the adverse effects of economic policies on children.

34. With respect to article 4 of the Convention, the Committee, while noting efforts made in allocating resources to the social sector, is of the view that greater budgetary provisions need to be made to overcome and remedy existing disparities and develop, with the assistance of international cooperation, a comprehensive strategy for children, taking due account of the best interests of the child.

35. The Committee considers that greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures, including studies and campaigns, should be taken to combat traditional attitudes and stereotypes and to sensitize society, to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities.

36. The Committee wishes to encourage the State party to promote and facilitate children's participation and respect for their views in decisions affecting them, especially in the family, at school, and in the judicial and administrative procedures, in light of articles 12, 13 and 15 of the Convention.

37. The Committee recommends that further measures be taken to ensure the registration of the birth of all children, in cooperation with non-governmental organizations and with the support of international organizations.

38. The Committee recommends that the State party develop public awareness campaigns and measures to provide appropriate assistance to families in carrying out their child-rearing responsibilities with a view, inter alia, to preventing domestic violence, prohibiting corporal punishment, and preventing early marriages and other harmful traditional practices.

39. Additional measures are needed to combat violence against and abuse of children, including sexual abuse. Programmes for the rehabilitation and reintegration of traumatized children need to be developed and adequate procedures and mechanisms devised to deal with complaints of both physical and psychological ill-treatment. Allegations of violations of children's rights should be investigated and prosecuted.

40. The Committee recommends that the State party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoptions.

41. Further steps should be taken in the area of health and welfare services. In particular, concerted efforts are needed to combat malnutrition and ensure the implementation of a National Nutritional Policy for children.

42. Efforts are also required for the treatment of children with disabilities and their prevention, and to raise awareness about the need to facilitate the active participation of such children in the community, in light of article 23 of the Convention. The Committee also encourages the State party to pursue efforts to ensure the implementation of integrated mental health programmes and approaches and to make available the necessary resources and assistance for these activities.

43. In the area of education, the Committee suggests that further steps be taken to ensure the implementation of articles 28 and 29. The Committee urges that greater efforts be directed to training teachers, improving the school environment, increasing enrolment and fighting school drop-out.

44. As a means of tackling the integrated issues of education and child labour, including in the informal sector, the Committee recommends that effective information campaigns be carried out to prevent and eliminate child labour, and that the present cooperation between the State party, international organizations such as the International Labour Organization (ILO) and UNICEF, and non-governmental organizations be expanded. Regulations to prevent child labour should be enforced, complaints investigated and severe penalties imposed for violations. Efforts to provide opportunities for education and leisure to child workers and children working and/or living on the street should be strengthened. It is also suggested that the State party consider ratifying ILO Convention No. 138 concerning the minimum age for employment.

45. The Committee recommends that the State party ensure adequate protection of refugee children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. The State party may consider seeking assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) in this regard.

46. With regard to the administration of juvenile justice, the Committee recommends that legal reform be pursued in connection with the very young age of criminal responsibility (7 years), the lack of adequate protection for children aged 16-18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children, and the solitary confinement and ill-treatment of children by the police. In this reform the State party should take fully into account the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee also recommends that the State party avail itself of the technical assistance programmes of the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

47. The Committee encourages the State party to take all appropriate measures to prevent and combat sexual abuse and sexual exploitation of children and to ensure their physical and psychological recovery and social

reintegration, in light of article 39 of the Convention. Bilateral and regional cooperation should be reinforced to prevent and combat the serious problem of trafficking of children.

48. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.